

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

## CHARLESTON DIVISION

IN RE: **ETHICON, INC.**  
**PELVIC REPAIR SYSTEMS**  
**PRODUCT LIABILITY LITIGATION**

MDL No. 2327

THIS DOCUMENT RELATES TO:

*Mattie Brooks v. Ethicon, Inc., et al.*

Civil Action No. 2:12-cv-02865

**MEMORANDUM OPINION AND ORDER**  
*(Daubert Motion re: Hannes Vogel, M.D. & Terri Longacre, M.D.)*

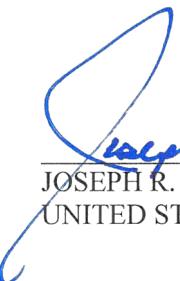
Pending before the court is the Motion to Exclude Opinions and Testimony of Dr. Hannes Vogel and Dr. Terri Longacre [ECF No. 58] filed by the plaintiffs. The Motion is now ripe for consideration because briefing is complete.

The plaintiff argues that I should prohibit Dr. Longacre from utilizing the testimony of Dr. Vogel, another defense expert whose opinion was used by Dr. Longacre to formulate his opinion. I previously ruled on a similar issue in a telephonic conference in *Funderburke v. Ethicon, Inc.*, 2:12-cv-00957. See Resp. Ex. A, at 9:23–10:17 [ECF No. 67-1]. I determine, as I did in *Funderburke*, that Dr. Longacre may use the testimony of Dr. Vogel to formulate his opinions and that, should Dr. Vogel's testimony come up at trial, Dr. Longacre may not discuss Dr. Vogel's qualifications; however, any remaining issues regarding the use of Dr. Vogel's testimony by Dr. Longacre must be reserved for trial. Accordingly, the plaintiff's Motion is **RESERVED** for trial.

The court **ORDERS** that the Motion to Exclude Opinions and Testimony of Dr. Hannes Vogel and Dr. Terri Longacre [ECF No. 58] is **RESERVED**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 12, 2017



Joseph R. Goodwin  
JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE